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Tarrant County Texas

Official Public Records

8/10/2010 4:17 PM

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Suzanne Henderson

PGS 3 \$24.00

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*The State of Texas,
County of Tarrant,*

ORIGINAL

Know All Men by These Presents:

AMENDMENT

To

"No Surface Use Oil, Gas and Mineral Lease"

WHEREAS, heretofore, under date of August 27, 2008, Melissa Stewart, Individually and as Executrix of the Estate of Gary Lee Stewart, Deceased, whose address is 3536 Clubgate Drive, Fort Worth, Texas 76137, as Lessor, did execute and deliver unto XTO Energy Inc., whose address is 810 Houston Street, Fort Worth, Texas 76102, as Lessee, a No Surface Use Oil, Gas and Mineral Lease, a Memorandum of which is recorded as Instrument No. D208416122 in the Official Public Records of Tarrant County, Texas, (hereinafter referred to as "the Lease"). The Lease covers lands (hereinafter referred to as "the Lands") in Tarrant County, State of Texas, described as follows:

Being 0.3703 acres of land, more or less, and being a part of Stoneglen At Fossil Creek Addn Blk 33 Lots 9 & 10, an Addition to the City of Fort Worth, Tarrant County, Texas and being more particularly described in a Deed dated 2/3/1992 and recorded at Instrument #D192063137 of the Deed Records of Tarrant County, Texas. The 2008 Tarrant County Appraisal District Geo-Reference Number for the above described property is 40500-33-9.

The Lease and all rights under the Lease are now owned by XTO Energy Inc., reference to the Lease and to the record thereof being herein made for all purposes.

For adequate consideration, Melissa Stewart, Individually and as Executrix of the Estate of Gary Lee Stewart, Deceased, Lessor and XTO Energy Inc., Lessee agree that the description of the Lands in the Lease is amended so that the lands to be covered by the Lease shall now be as follows (hereinafter referred to as "the Amended Lands"):

Tract 1 Lots 9 and 10, Block 33, STONEGLEN AT FOSSIL CREEK, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-202, Page 49, Plat Records, Tarrant County, Texas,

Tract 2 Lot 3, Block F, THE VILLAS AT FOSSIL CREEK, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 10764, Plat Records, Tarrant County, Texas,

Tract 3 Lot 2, Block F, THE VILLAS AT FOSSIL CREEK, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 10764, Plat Records, Tarrant County, Texas.

It is the desire of Melissa Stewart, Individually and as Executrix of the Estate of Gary Lee Stewart, Deceased, Lessor and XTO Energy Inc., Lessee to amend the Lease by dividing the Amended Lands into separate tracts, with each separate tract being deemed to be covered by a separate and distinct No Surface Use Oil, Gas and Mineral Lease even though all of the lands are described in the one Lease.

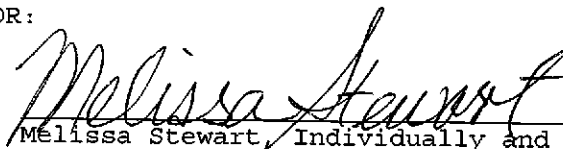
Each of the tracts shall be deemed, for all purposes, to be covered by a separate and distinct No Surface Use Oil, Gas and Mineral Lease to the same extent as if Lessor had executed a separate Lease for and on each tract, on the same form as the Lease described above. The payment of royalty or shut-in gas royalty, drilling or reworking operations, or the commercial production of oil and/or gas shall maintain this Lease only as to the tract of land to which such payments, operations, or production pertain and shall in no way maintain the Lease as to the other tracts.

In all other respects, Lessor adopts, ratifies, and confirms the terms of the Lease, as amended, and leases, and lets the Amended Lands to Lessee, subject to the terms and provisions of the Lease, as amended.

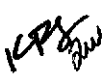
This Amendment of No Surface Use Oil, Gas and Mineral Lease shall extend to and be binding on the heirs, representatives, successors, and assigns of Lessor and Lessee.

IN WITNESS WHEREOF, this Amendment to No Surface Use Oil, Gas and Mineral Lease is executed by the parties hereto on the dates of their respective acknowledgments, but made effective for all purposes as of August 27, 2008.

LESSOR:

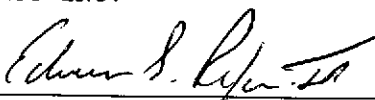


Melissa Stewart, Individually and
as Executrix of the Estate of Gary Lee Stewart, Deceased



LESSEE:

XTO ENERGY INC.



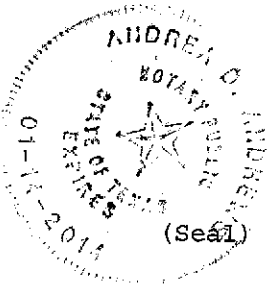
By: Edwin S. Ryan, Jr.
Sr. Vice President Land Administration

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ACKNOWLEDGMENTS

State of Texas }
County of Tarrant }

August This instrument was acknowledged before me on this 4th day of August, 2010, by Melissa Stewart, Individually and as Executrix of the Estate of Gary Lee Stewart, Deceased.



Andrea D. Andrews
Notary Public,
in and for The State of Texas.

State of Texas }
County of Tarrant }

August This instrument was acknowledged before me on this 9th day of August, 2010, by Edwin S. Ryan, Jr., Sr. Vice President - Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



(Seal)

Charla F. Wilkes
Notary Public
in and for The State of Texas.

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